

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

HECTOR DIAZ ANICA,

Defendant.

8:13CR180

ORDER

This matter is before the court on the motion to continue by defendant Hector Diaz Anica (Anica) (Filing No. 22). The motion is incorrectly captioned as a motion to continue a plea hearing on July 22, 2013, while this case is scheduled for trial on July 22, 2013. Anica has submitted an affidavit in accordance with paragraph 9 of the progression order whereby Anica consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act (Filing No. 22-1). Anica's counsel represents that government's counsel has no objection to the motion. Upon consideration, the motion will be granted.

IT IS ORDERED:

1. Anica's motion to continue (Filing No. 22) is granted.

2. Trial of this matter is re-scheduled for **August 19, 2013**, before Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **July 11, 2013, and August 19, 2013**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's counsel requires additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 11th day of July, 2013.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge